

## RETIREMENT BRIEFING

**1. Introduction.** While this retirement briefing summarizes the significant job hunting and post-government employment rules, it is not intended to be a full treatment of these subjects. Applying the rules to individual situations often requires careful analysis of several different rules, as well as the policies behind them. For specific guidance on your particular situation, you will need to contact the Ethics Counselor at your command. In talking with your Ethics Counselor, you should be aware that there is no attorney-client privilege. Therefore, you will want to talk to your Ethics Counselor before you take any action.

### **2. Pre-separation Matters.**

a. You may seek/negotiate employment with a company/organization as long as you are not working on any official matters involving that company/organization and that company/organization has no interest in how you perform, or do not perform, your official duties. **[Officers, Enlisted & Civilians][18 U.S.C. §208, 5 C.F.R. §§2635.604 & 2635.606a]**

(1) Seeking/negotiating for employment is the same as buying stock in a company. Any discussion, even if tentative, is negotiating for employment.

(2) If you could own stock in a company without creating a conflict with your official duties, then you can seek/negotiate for employment. No special action is required.

(3) If seeking/negotiating employment would create a conflict:

(a) Do not contact the company or if contacted by the company, immediately terminate all discussions. Don't "leave the door open."

(b) Seek disqualification from the official duties presenting a conflict of interest by submitting a letter of disqualification with your supervisor and Ethics Counselor. Do not take any further action on the official matter. Supervisor approval is required.

b. If you are contacted by a potential bidder or offerer on a government procurement above the simplified acquisition threshold (currently \$100,000), you must report that contact in writing to your supervisor and Ethics Counselor. **[Officers, Enlisted & Civilians][41 U.S.C. §423c]**

c. If you are participating/have participated in a government procurement valued over \$10 million and your participation was in one of seven positions or you made one of seven types of decisions, then you are prohibited from going to work for that contractor for a period of one year after your last participation in that contract. You may go to work for the contractor in a different division or affiliate that does not produce the same product or services. **[Officers, Enlisted & Civilians] [41 U.S.C. §423d, FAR 3.104]**

(1) The seven positions: program manager, deputy program manager, administrative contracting officer, procuring contracting officer, source selection authority, member of source selection board, chief of financial/technical evaluation team.

(2) The seven decisions: Personally made a decision to award a contract, subcontract, modification, task order or delivery order of \$10,000,000 or more; or approved a claim or made another personal decision to make a payment of \$10,000,000 or more.

d. Remember, if you have an employment arrangement with a company, you are prohibited from participating, in your official capacity, in an government contract, source selection, or other particular government matter, in which the company has a financial interest. **[Officers, Enlisted & Civilian][5 C.F.R. §2635.606(a)]**

e. You may use permissive TDY (PTDY) for job hunting and/or house hunting purposes, but you may not begin work on PTDY. **[Officers & Enlisted][AR 600-8-10]**

f. Travel expenses (travel, meals, and reimbursements) to attend job interviews may be accepted if such expenses are customarily paid to all job applicants. If you file a Financial Disclosure Report (SF 278 or OGE 450), report these payments on that form. **[Officers, Enlisted & Civilians][5 C.F.R. 2635.204(e)(3)]**

g. Except for authorized transition assistance benefits and other supervisor-approved instances, you may not use government resources in job hunting. **[Officers, Enlisted & Civilians][31 U.S.C. §1344, 5 C.F.R. 2635.704 & 2635.705, JER 2-301, DOD Manual 4525.8]**

h. You may obtain a letter of recommendation from other government employees on official letterhead if (1) the letter is based on the employee's personal knowledge of your ability or character and (2) either the employee has dealt with you in the course of his/her government employment or you are applying for Federal employment. **[Officers, Enlisted & Civilians][5 C.F.R. 2635.702(b)]**

i. You may obtain a letter of recommendation from a DOD contractor employee as long as you do not use your government position to coerce or induce the person to write the letter. **[Officers, Enlisted & Civilians][5 C.F.R. 2635.702(a)]**

j. You may not communicate "inside information" to a prospective employer. **[Officers, Enlisted & Civilians][JER 8-400b]**

**3. Transition (formerly terminal) leave.** If you plan to work on transition leave, remember that you are still on active duty and subject to all laws and regulations as any other active duty Soldier.

a. All active duty military must apply for prior written approval of off-duty employment. **[Officers & Enlisted][5 C.F.R. 2635.803, JER 2-206, MEDCOM Reg. 600-3, AMEDDC&S Reg. 600-10]**

b. All officers are prohibited from representing anyone in any matter before a Federal employee, or in any claim against the U.S. during transition leave. Even the appearance (without advocacy) in a government workplace working as a contractor employee is prohibited. **[Officers only][18 U.S.C. §§203 & 205]**

c. You may apply for and begin civilian employment in a Federal civil service position. The 180 day waiting period is currently waived. **[Officers & Enlisted][5 U.S.C. §5534a]**

certain newly democratic nations. You must have the prior written approval of the Secretary of Army and the Secretary of State. The Secretary of Army and the Secretary of State will jointly determine whether a nation qualifies as a newly democratic nation for the purposes of this statute. **[Officers & Enlisted][10 U.S.C. §1060]**

**5. Ethics Counselors.** Ethics advice is command specific. You may find your Ethics Counselor at:

**MEDCOM** (210) 221-8400, BLDG. 2792

**AMEDDC&S and FSH** 221-2373/0485, BLDG. 134

**ARNORTH (FIFTH ARMY)** 221-1515, BLDG. 44

**BAMC** 916-2031/BLDG. 3600

**USARSO** 295-6227, BLDG. 1000

**5<sup>th</sup> RECRUITING BRIGADE** 221-0155, BLDG. 2007